

NINETEENTH DAY
(Thursday, February 12, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Farabee, Santiesteban.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father,
If You decide to appear to us today, I sure hope You wear a tie—and no jeans. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Farabee was granted leave of absence for today on account of important business on motion of Senator Jones.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Snelson.

CO-AUTHOR OF SENATE BILL 130

On motion of Senator Mengden and by unanimous consent, Senator Williams will be shown as Co-author of S.B. 130.

CO-AUTHOR OF SENATE BILL 513

On motion of Senator Brooks and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 513.

MESSAGE FROM THE HOUSE

House Chamber
February 12, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 33, In memory of Mr. Rhea Howard.

All necessary rules suspended, and the House concurred in Senate amendments to **H.C.R. 15** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 223 (Read first time)
S.B. 373 (Amended)
C.S.H.C.R. 21 (Read first time)

Senator Kothmann, Vice Chairman, submitted the following report for the Committee on State Affairs:

S.B. 130
S.B. 118
S.B. 306
C.S.S.B. 192 (Read first time)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 529 by Mauzy Jurisprudence
Relating to a general charge to the jury by a district court, county court, or county court at law and the evidence to support certain judgments.

S.B. 530 by Jones Economic Development
Relating to collective ratemaking procedures for all commodities and services regulated by the railroad commission.

S.B. 531 by Glasgow, Brown State Affairs
Relating to the certification of sickness or disability for absentee voting.

S.B. 532 by Glasgow Human Resources
Relating to the provision of temporary nursing services; providing definitions; authorizing the Texas Board of Health to exercise certain powers; providing for the establishment and maintenance of a catalogue of information regarding temporary nursing services; providing for the establishment of a central registry of temporary nursing service agencies or organizations; providing registration requirements and a registration fee; providing for rules; providing penalties; and declaring an emergency.

S.B. 533 by Farabee State Affairs
Relating to the regulation of the sale, lease or transfer of certain business opportunities.

S.B. 534 by Farabee Jurisprudence
Relating to liability of physicians who administer emergency medical care.

S.B. 535 by Farabee Jurisprudence
Relating to bad faith causes of action for medical malpractice.

S.B. 536 by Farabee, Caperton State Affairs
Relating to the adoption of an interstate compact concerning violations of
certain traffic offenses by nonresidents.

S.B. 537 by Wilson Jurisprudence
Relating to computation of benefits for certain retirees of the Judicial Retirement System of Texas and their survivors.

S.B. 538 by Santiesteban Economic Development
Relating to regulation of pawnbrokers; providing penalties.

S.B. 539 by Harris State Affairs
 Relating to creation of a state agency to promote industrial development, small
 business development, tourism, and film production in this state.

S.B. 540 by Brown, McKnight Economic Development
Relating to real estate brokers and salesmen amending The Texas Mobile Home Standards Act, Chapter 139, Acts of the 65th Legislature, Regular Session, 1977, as last amended by Chapter 625, Acts of the 66th Legislature, Regular Session, 1979 (Article 5221f, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

S.B. 541 by Mengden Human Resources
Relating to the name of the chief executive officer to the Texas Board of Licensure for Nursing Home Administrators; raising the maximum fees which may be assessed by the Texas Board of Licensure for Nursing Home Administrators; amending the "Texas Nursing Home Administrators Licensure Act", Chapter 411, Acts of the 61st Legislature, 1969, as amended (Article 4442d, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 542 by Mengden	Jurisprudence
Relating to restrictions by ordinance, regulation, or deed on the use or installation of solar or wind energy devices.	

S.B. 543 by Mengden State Affairs
 Relating to standard weapons and ammunition for use by peace officers.

S.B. 544 by Mengden State Affairs
 Relating to weapons proficiency of peace officers.

S.B. 545 by Mengden State Affairs
 Relating to weapons proficiency of commissioned security officers.

S.B. 546 by Ogg State Affairs
 Relating to class of persons not qualified to vote.

S.B. 547 by Ogg State Affairs
 Relating to the authority of certain employees of the secretary of state to
 administer oaths.

S.B. 548 by Parker Intergovernmental Relations
Relating to amending Section 1 of Chapter 379, Acts of the 63rd Legislature, Regular Session, 1973, as amended, relating to the Sabine Pass Port Authority, by confirming the creation of said authority, enlarging its boundaries, and authorizing bond assumption and maintenance tax elections in connection therewith; providing for the severability of the act; and declaring an emergency.

S.B. 549 by Harris Economic Development
Relating to amending Chapter 15 of Subtitle 3 of Title 79, Texas Revised Civil Statutes, relating to interest rates and fees on, and amendment of, open end accounts; and declaring an emergency.

S.B. 550 by Ogg Economic Development
Relating to the licensing and regulation of pilots, pilotage rates, pilot services, and pilot boats.

S.B. 551 by Ogg Economic Development
Relating to the authorization and regulation of uncertificated corporate securities.

S.B. 552 by Ogg Finance
Relating to motor vehicle sales and use tax on motor carriers.

S.B. 553 by Jones Economic Development
Relating to permissible charges on certain regulated loans.

S.B. 554 by Leedom Jurisprudence
Relating to experimentation on human fetuses and trafficking in fetal tissues; providing a penalty.

S.B. 555 by Mauzy Jurisprudence
Relating to interest rates on judgments.

S.B. 556 by Mauzy Jurisprudence
Relating to extensions of filing deadlines in the appeal of a criminal case.

S.B. 557 by Mauzy Jurisprudence
Relating to suits affecting the parent-child relationship and to the rights, duties, privileges, and powers of parties and attorneys in those suits.

S.B. 558 by Mauzy Jurisprudence
Relating to suits for divorce, annulment and to declare a marriage void, to the rights, privileges, and duties of spouses, and to the enforcement and clarification of certain court orders.

S.B. 559 by Mauzy Jurisprudence
Relating to suits brought under the Uniform Reciprocal Enforcement of Support Act.

S.B. 560 by Doggett Jurisprudence
Relating to the levying, collecting, reporting and auditing of revenue for the Compensation to Victims of Crime Fund.

S.J.R. 26 by Ogg Finance
Proposing an amendment to Article VIII of the Constitution of Texas limiting the yearly increase in evaluation of real property.

S.J.R. 27 by McKnight State Affairs
Proposing a constitutional amendment to provide two-year terms for the governor and lieutenant governor.

S.R. 256 by Brooks Administration
Relating to procedures pertaining to apportionment to be performed by the 67th Legislature.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 277, To Committee on Finance.

H.B. 559, To Committee on Finance.

CONFERENCE COMMITTEE REPORT SENATE BILL 143

Senator Leedom submitted the following Conference Committee Report:

Austin, Texas
February 11, 1981

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 143** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LEEDOM
MAUZY
HARRIS
TRAVIS
On the part of the Senate

JACKSON
RAGSDALE
AGNICH
On the part of the House

CONFERENCE COMMITTEE REPORT SENATE BILL 143

A BILL TO BE ENTITLED AN ACT

relating to the election of the boards of trustees of certain independent school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 6, Chapter 171, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 2783d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Notwithstanding other law, including the provisions of Subsections (b) and (e) of this Section and the provisions of Chapter 447, Acts of the 58th Legislature, 1963, as amended (Article 29d, Vernon's Texas Civil Statutes), a (A) school district subject to this Act shall ~~(may not)~~ hold the (a) trustee election in 1981 on November 3, with the trustee districts drawn no later than the 90th day before that date based on the 1980 census ~~(, but shall hold an election in 1982)~~. A trustee elected in 1977 for a term expiring in 1981 or elected in 1979 or serving for the unexpired term of a trustee then elected shall serve until the trustees elected at the 1981 (1982) election take office. At the election held in 1981 (1982), and thereafter at the first election at which redistricting following a census is to be effective, all positions on the Board shall be filled. The District may not hold an election in 1982, and the members elected at the 1981 election shall draw lots so that three (3) serve for terms expiring in 1983, three (3) serve for terms expiring in 1984, and three (3) serve for terms expiring in 1985. Thereafter, the Board members elected at an election for which redistricting is effective shall draw lots so that three (3) members serve for a term of one (1) year, three (3) members serve for a term of two (2) years, and three (3) members serve for a term of three (3) years. A member who is elected both in the year before redistricting is effective and in the year in which redistricting is effective shall draw from lots that include only two-year and three-year terms. ~~(Prior to the filing deadline for that election, the Board shall draw from lots containing the number of each district so that three (3) districts shall elect a trustee for a term of one (1) year, three (3) shall elect a trustee for a term of two (2) years, and three (3) shall elect a trustee for a term of three (3) years.)~~ Thereafter, three (3) trustees shall be elected annually for terms of three (3) years. All members of the Board shall serve until their successors have been elected and qualified.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE RESOLUTION 245

Senator Howard offered the following resolution:

S.R. 245, Commending DeWitt Carlock Greer for his outstanding public service to the State of Texas.

The resolution was read.

On motion of Senator Blake and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

Senator Howard was recognized and introduced Mr. Greer, seated at the President's Rostrum.

Mr. Greer expressed his appreciation to the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
February 12, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LOWER COLORADO RIVER AUTHORITY:

For a six-year term to expire January 1, 1987:

MILTON JAY ANDERSON of Route 1, East Bernard, Colorado County, is replacing Sam K. Seymour, Jr. of Columbus, Colorado County, whose term expired.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
February 11, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE; REGULAR SESSION:

Pursuant to the provisions of Article III, Section 5 of the Constitution of Texas, I herewith submit as an emergency matter the following:

- 1). The State Board of Education used to charge a fee for the issuance of teaching certificates. The Legislature, last session, inadvertently repealed the section of the Education Code requiring the collection of the fee. So the Texas Education Agency may recoup their administrative costs in issuing these certificates I declare Senate Bill 136 by Farabee as an emergency matter allowing for the collection of these fees.

- 2). There has been a problem in some schools of 18 year olds coming in drunk to class causing a great deal of disruption. It is felt by many in the education community that by raising the age to 19 to legally drink would help cure the problem. Therefore, I declare House Bill 412 by Riley which raises the age to 19 to drink legally as an emergency matter.
- 3). The Department of Corrections has on some of their properties coal, lignite, and some other minerals, other than oil and gas, and would like to sell them for the benefit of their programs. House Bill 616 by Tow and Senate Bill 290 by Caperton would do this and so I declare this an emergency.
- 4). The people of Texas at the last general election passed a constitutional amendment creating Courts of Appeal that will take enabling legislation to finish the mandate of the people. Therefore, I declare as an emergency House Bill 499 by Maloney.
- 5). Many local governments are having an exceedingly difficult time selling bonds that have been voted on by the people to do different things the people felt needed to be done, because of the 10% interest rate limit. Many projects are facing a shutdown because of lack of funds because needed bonds can't be sold. House Bill 629 by Henderson would raise this limit and therefore I declare it an emergency.
- 6). The Attorney General ruled in November that hospital districts could no longer receive payment from the Crippled Children's Service Program of the Health Department. This has created a problem for these districts and in some instances the only care available is in these hospital districts. House Bill 624 by Hall will allow the payments once again to be made to these districts, and I therefore declare it an emergency matter.
- 7). I have submitted an earlier emergency message concerning specific appropriations on damage to state owned buildings. Since the state is self-insured and when damage occurs to these buildings, it is customary to have an appropriation to repair them. Therefore, I declare the repair of damaged state owned buildings as an emergency matter.
- 8). Changes are needed in the Texas Health Facilities Commission to bring it in compliance with Federal Law and Regulations adopted in October, 1980 and certain other changes are desirable. Senate Bill 191 by Brooks and House Bill 846 by Von Dohlen address the needed changes and I declare them as an emergency.
- 9). I have submitted an earlier message concerning the creation of some new courts in fast growth areas of Texas. There are other areas that need some new courts. As outlined in my earlier message, as long as the courts are needed now, and as long as I am treated the same as all other governors have been in the naming of the judges for the newly created courts, I will sign legislation creating the needed courts. Therefore, so the Legislature may begin consideration of this, I declare it an emergency matter.

- 10). So that the Legislature can consider the School Finance measure in the General Appropriations Bill, as is the desire of most of the members of the Legislature, I declare House Bill 280 by Atkinson as an emergency matter, which will allow this to be done.
- 11). There needs to be a correction in the nepotism laws and so I declare Senate Bill 235 by Wilson, which has already passed the Senate as an emergency matter so that the House of Representatives may consider it immediately.
- 12). There are some changes that are needed in the Disaster Emergency Statutes and House Bill 36 by Grubbs makes these changes. I therefore declare it an emergency so the changes can be made to facilitate the handling of the next disaster that occurs in the state.

Respectfully submitted,

/s/W. P. Clements, Jr.
Governor

HOUSE CONCURRENT RESOLUTION 37

The President laid before the Senate the following resolution:

H.C.R. 37, Declaring month of February, 1981, as American Heart Association "Have a Heart Month".

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 50

The President laid before the Senate the following resolution:

H.C.R. 50, Commending former Congressman Bob Eckhardt.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

NOMINEES CONFIRMED

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations and the pending nomination of Dr. S. L. Abbott to be a Member of the Texas 1986 Sesquicentennial Commission. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

The nominees, including Dr. S. L. Abbott, as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

SENATE BILL 127 ON SECOND READING

The President announced the time had arrived for consideration of S.B. 127. (Further consideration of the bill was postponed to 11:00 o'clock a.m. today.)

The Senate resumed consideration of S.B. 127 on its second reading and passage to engrossment with a substitute by Senator Brooks for an amendment by Senator Meier pending.

Question - Shall the substitute for the pending amendment to the bill be adopted?

On motion of Senator Brooks and by unanimous consent, the substitute for the pending amendment was withdrawn.

On motion of Senator Meier and by unanimous consent, the pending amendment was withdrawn.

Senator Meier offered the following amendment to the bill:

Amend S.B. 127 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to the criminal justice division in the governor's office, the criminal justice division advisory board, the criminal justice planning fund, and to the allocation, distribution, reporting and use of additional court costs imposed for the conviction of certain crimes.

The amendment was read.

Senator Meier offered the following amendment to the bill:

Amend S.B. 127 by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 417, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 4413(32a), Vernon's Texas Civil Statutes), is amended by adding Sections 6, 7 and 8 to read as follows:

Sec. 6. (a) The Governor shall establish a Criminal Justice Division within his office to perform the following duties:

(1) to advise and assist the Governor in developing policies, plans, programs, and proposed legislation for improving the coordination, administration, and effectiveness of the criminal justice system;

- (2) to administer the Criminal Justice Planning Fund;
- (3) to prepare a state comprehensive criminal justice plan, to annually update the plan, based on an analysis of the state's criminal justice problems and needs, and to encourage identical or substantially similar local and regional comprehensive criminal justice planning efforts;
- (4) to establish goals, priorities, and standards for programs and projects to improve the administration of justice and the efficiency of law enforcement, the judicial system, prosecution, criminal defense, and adult and juvenile corrections and rehabilitation;
- (5) to award grants from the Criminal Justice Planning Fund for programs and projects which address the goals, priorities, and standards established in the state comprehensive criminal justice plan and local and regional comprehensive criminal justice plans;
- (6) to apply for, obtain, and allocate for the purposes of this section any federal or other funds which may from time to time be made available for programs and projects which address the goals, priorities, and standards established in or which assist the local and regional comprehensive criminal justice planning efforts;
- (7) to administer the funds provided by this Act in such a manner as to ensure that grantees receiving funds under this section do not supplant state or local funds;
- (8) to establish procedures and policies that require that the costs of programs and projects funded to local general purpose units of government be assumed over a period of five years out of local revenues;
- (9) to monitor and evaluate programs and projects funded under this section; to cooperate with and render technical assistance to state agencies, local governments, or other public or private agencies seeking to reduce crime or enhance the performance and operation of the criminal justice system, and to collect from any state or local government entity information, data, statistics, or other material necessary to carry out the purposes of this section;
- (10) to submit a biennial report to the Legislature reporting the Division's activities during the preceding biennium including the comprehensive state criminal justice plans and such other studies, evaluations, crime data analyses, reports, or proposed legislation as the Governor may deem appropriate or as the Legislature may from time to time request; and
- (11) to perform such other duties as may be necessary to carry out the duties enumerated above, and adopt such rules, regulations, and procedures as may be necessary.

(b) The Governor shall appoint a director for the Division for a term of two years. The appointment is subject to Senate confirmation. The Director may be removed by the Governor pursuant to the provisions contained in Article XV, Section 9 of the Texas Constitution.

(c) When any local grant application is submitted to the Criminal Justice Division, it shall also be submitted to the local governing body for comment as determined by rules of the Board.

Sec. 7. (a) The Criminal Justice Division Advisory Board shall consist of twenty-one members. The Governor, Lieutenant Governor and Speaker of the House of Representatives shall each appoint one-third of the members of the board. The board shall review and make recommendations to the Governor on the projects and programs recommended for funding by staff of the Division, the goals, priorities, and standards recommended by staff, the comprehensive criminal justice plan, and on such other matters related to criminal justice as the Governor may request. The Governor shall designate a chairman and vice-chairman of the board from among the members.

(b) The members of the Advisory Board, including the chairman, shall be subject to confirmation by the Senate, except elected officers. In this Act, "elected officer" has the meaning given in Section 2, Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9b, Vernon's Texas Civil Statutes). The chairman and members shall be selected from professional law enforcement, judicial, prosecution, adult and juvenile corrections, post-secondary law enforcement education, and rehabilitation agency personnel, other criminal justice personnel, state and local officials, and private citizens. The members shall serve for two-year terms. Service on the board by state and local officials and employees shall be considered as an additional duty of their office or employment and shall not be construed as dual office holding.

(c) Board members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. In the event of a vacancy on the board the appointing authority shall appoint, subject to Senate confirmation, a new member to fill the remaining portion of the unexpired term.

(d) The Director of the Criminal Justice Division shall sit as an ex-officio, non-voting member of the board.

(e) The Governor, the Lieutenant Governor and the Comptroller of Public Accounts shall sit as the executive funding committee of the Criminal Justice Division. No grant of funds shall be made to any applicant nor shall funds be released for any project of the Criminal Justice Division without the approval of the majority of the executive funding committee. The executing funding committee shall not approve the release of grant funds for the acquisition of electronic surveillance equipment unless and until use of such equipment is authorized by the Legislature. No grant funds shall be used in any manner to influence the outcome of any election or the passage or defeat of any legislative measure.

Sec. 8. The Criminal Justice Division and any project funded by the Criminal Justice Division shall be subject to examination, inspection and audit by the State Auditor's Office, the Legislative Budget Board and the Governor's Division of Planning Coordination to determine compliance with this Act and the approved annual comprehensive criminal justice plans.

SECTION 2. Section 1, Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

Sec. 1. The purpose of this Act is to continue in existence the special fund known as the Criminal Justice Planning Fund, to provide for the continued use of this fund for assistance to state and local law enforcement, judicial, prosecutorial, criminal defense, and adult and juvenile correctional and rehabilitative agencies; to provide for the continued administration of this fund; to provide for costs of court as the source of this fund, and to provide that the costs be borne in part by those who necessitate the establishment and maintenance of the criminal justice system. ~~[The purpose of this Act is to create and establish a special fund to be known as the Criminal Justice Planning Fund to provide the State and local funds required by Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide for costs of court as the source of these funds, and to provide that the costs to be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.]~~

SECTION 3. Section 3(a), Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

(a) The sum of \$5.00 ~~[\$2.50]~~ shall be taxed as costs of court, in addition to other taxable court costs upon conviction in each misdemeanor case in which

original jurisdiction lies in courts whose jurisdiction is limited to a maximum fine of \$200.00 only.

SECTION 4. Section 4, Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

Sec. 4. The sum of \$10.00 [~~\$5.00~~] shall be taxed as costs of court in addition to other taxable court costs, upon conviction in each misdemeanor case, including cases in which probation is granted, and the sum of \$20.00 [~~\$10.00~~] shall be taxed as costs of court, in addition to other taxable court costs, upon conviction in each felony case, including cases in which probation is granted, in all cases in which original jurisdiction lies in courts whose jurisdiction is limited to fines and/or confinement in a jail or the department of corrections.

SECTION 5. Section 7, Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

Sec. 7. The custodians of the municipal and county treasuries with whom funds collected under this Act are deposited shall keep records of the amount of funds collected under this Act which are on deposit with them, and shall on or before the last day of the month following each calendar quarter period of three months [~~the first day of January, April, July and October of each year~~] remit to the Comptroller of Public Accounts funds collected under this Act during the preceding quarter. The municipal and county treasuries are hereby authorized to retain five percent (5%) of funds collected under this Act as a service fee for said collection.

SECTION 6. Section 9, Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

Sec. 9. The legislature shall determine and appropriate the necessary amount from the Criminal Justice Planning Fund to the Criminal Justice Division of the Governor's Office for expenditure for state and local criminal justice projects and for costs of administering the funds for such projects. The distribution of the funds to local units of government shall be in an amount equal at least to the same percentage as local expenditures for criminal justice activities are to total state and local expenditures for criminal justice activities for the preceding state fiscal year. Funds shall be allocated among combinations of local units of government taking into consideration the population of the combination of local units of government as compared to the population of the state and the crime rate of the combination of local units of government as compared to the crime rate of the state. All funds collected shall be subject to audit by the Comptroller of Public Accounts. All funds expended shall be subject to audit by the State Auditor. Additionally, all funds collected or expended shall be subject to audit by the Governor's Division of Planning Coordination. [The funds so deposited in the Criminal Justice Planning Fund are hereby appropriated to the expenditure of State and local matching funds required by Public Law 90 351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Omnibus Crime Control Act of 1970 and determined by the appropriations of Congress to carry out the provisions of said Act. The expenditure of Criminal Justice Planning Funds shall be simultaneous with the expenditure of federal funds.]

SECTION 7. Section 10, Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

Sec. 10. The Legislature may appropriate the unobligated [~~unexpended~~] balance of the Criminal Justice Planning Fund [~~Funds~~] for the preceding biennium for the improvement and upgrading of the criminal justice system [~~as defined in the aforementioned federal Act~~].

SECTION 8. Section 11, Article 1083, Code of Criminal Procedure, 1925, is amended to read as follows:

Sec. 11. (a) All officers collecting funds due as costs under this Act shall file the reports required under Articles 1001 and 1002, Code of Criminal Procedure, 1965.

(b) If no funds due as costs under this section have been collected in any quarter, the report required for each quarter shall be filed in the regular manner, and the report shall state that no funds due under this section were collected.

SECTION 9. Subsections (e) and (f), Section 9B, Article 4413(29aa), Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

(e)(1) All officers collecting court costs under this section shall file the reports required by Articles 1001 and 1002, Code of Criminal Procedure, 1965 [1925].

(2) If no funds due as costs under this section have been collected in any quarter, the report required for each quarter shall be filed in the regular manner, and the report shall state that no funds due under this section were collected.

(f) The custodians of the municipal and county treasuries shall keep records of the amount of funds on deposit collected under this Section, and shall on or before the last day of the month following each calendar quarter period of three months [~~the tenth day of December, March, June and September of each year~~] remit to the Comptroller of Public Accounts the funds collected under this section the preceding quarter. Each city and county collecting funds under this section is hereby authorized to retain five percent (5%) of the funds collected by them as a service fee for said collection. All funds collected shall be subject to audit by the Comptroller of Public Accounts. All funds expended shall be subject to audit by the State Auditor. Additionally, all funds collected or expended shall be subject to audit by the Governor's Division of Planning Coordination.

SECTION 10. This Act takes effect September 1, 1981.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

MEIER
BROOKS
McKNIGHT

The amendment was read.

Senator Jones offered the following amendment to the amendment:

Amend the pending amendment to **S.B. 127** by striking line 27 page 4 and through the word Legislature on line 8 page 5 and substitute the following:

"The Governor shall approve grants only from among those recommended by the Advisory Council."

The amendment was read.

On motion of Senator Meier, the amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Blake, Brooks, Caperton, Doggett, Glasgow, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Sarpalius, Short, Snelson, Truan, Vale, Williams.

Nays: Andujar, Brown, Harris, Howard, Jones, Leedom, Mengden, Richards, Traeger, Travis, Wilson.

Absent-excused: Farabee, Santiesteban.

Question recurring on the adoption of the amendment by Senator Meier, the amendment was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 127 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

MOTION TO PLACE SENATE BILL 273 ON SECOND READING

Senator Vale moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 273 be taken up for consideration at this time:

S.B. 273, Relating to career education.

The motion was lost by the following vote: Yeas 12, Nays 16.

Yeas: Brooks, Caperton, Doggett, Kothmann, Mauzy, McKnight, Parker, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Blake, Brown, Glasgow, Harris, Howard, Jones, Leedom, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Travis, Wilson.

Absent-excused: Farabee, Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 271 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 271, Relating to a uniform system of accounting for, and quarterly reports from, counties, hospital districts and certain cities participating in welfare assistance programs.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 271 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 271** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

SENATE BILL 305 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 305, Relating to the Advisory Council for Technical-Vocational Education.

The bill was read second time and was passed to engrossment.

SENATE BILL 305 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 305** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following resolutions:

H.C.R. 47

H.C.R. 46

SENATE BILL 104 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 104, Relating to resident tuition charged of nonresident or foreign students on competitive scholarship.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend Senate Bill 104 by striking Section 1 and substituting the following:

Section 1. Section 54.051(p), Texas Education Code, as amended to read as follows:

“(p) A student who holds a competitive academic scholarship of at least \$200.00 for the ~~(academic year or summer)~~ semester or summer session for which he or she is enrolled, and who is either a nonresident or a citizen of a country other than the United States of America, is entitled to pay the fees and charges required of Texas residents without regard to the length of time he or she has resided in Texas, provided that he must compete with other students for the scholarship. Further, that the academic scholarship must be one approved by the Coordinating Board under criteria developed by that Board. The scholarship must be awarded by a scholarship committee of the institution of higher education officially (recognized) designated for that purpose by the (administration) institution's governing board (of the institution of higher education) and awarded according to criteria which have been approved by the governing board.”

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 104 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 104** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.

SENATE BILL 189 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 189, Relating to the political activity of officers and employees of the Texas Department of Human Resources.

The bill was read second time and was passed to engrossment.

SENATE BILL 189 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams.

Nays: Wilson.

Absent-excused: Farabee, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams.

Nays: Wilson.

Absent-excused: Farabee, Santiesteban.

MESSAGE FROM THE HOUSE

House Chamber
February 12, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 71, Relating to the authority of the Texas Department of Mental Health and Mental Retardation to expend funds for supplemental residential services for the mentally retarded at locations in Texas other than on the grounds of the Rusk State Hospital.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 331 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 331, Relating to administration, coverage, and taxation under college and university employees health insurance.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend section 1 by deleting from section 4(b) subsection (4)(D)(iv) the words "the federal government or".

The committee amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend Sec. 1 of **S.B. 331** on page 5, line 2 by substituting "retired person" for the word "annuitants," and again on line 3 by deleting the word "annuitants" and inserting after the word "Eligible" and before the words "may participate" the words "employees or retired persons."

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend Senate Bill No. 331 on page 5, line 3, by inserting the words "employees and" between the words "Eligible" and "annuitants."

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 331 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 331** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban.